

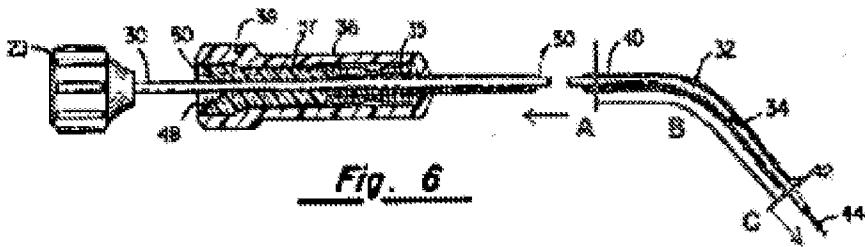
REMARKS

Claims 1 – 4, 8 and 17 - 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Dutcher (US 4,381,013). This rejection is respectfully traversed.

The claims require a stylet having a straight proximal segment, a curved intermediate segment extending from the proximal segment and a straight distal segment extending from the curved segment. All three segments are clearly visible in Dutcher. The straight proximal and distal segments are plainly visible in the inserted drawing. The area intermediate the straight segments is curved, as required by the claims.

The claims further require a taper beginning in the intermediate, curved segment. It is indisputable that the taper in the Dutcher stylet is present only in the straight distal portion of the stylet, directly contrary to the requirements of the claims.

The Examiner characterizes Dutcher as having a taper zone extending from within a curved intermediate segment based upon inclusion of the entire portion identified as segment B as the “curved segment” required by the claims.



However, as is plainly shown, the portion of segment B which includes the taper is in fact straight. In essence, the Examiner's argument is that if she calls the straight distal segment of Dutcher part of the curved segment, the required taper is now magically present in the “curved segment” as required by the claims.

When Abraham Lincoln interviewed prospective employees, he would ask them: "How many legs does a sheep have if you call the tail a leg?" If they answered "Five", they were not hired. Calling a tail a leg does not make it one.

Withdrawal of the rejections of claims 1 – 4, 8 and 17 – 20 as anticipated by Dutcher is respectfully requested.

As the rejections under Section 103 based in part on Dutcher rely on the underlying rationale for anticipation, these rejections are also believed unsupportable.

Withdrawal of the rejections of claims 5 – 7 and 22 – 23 as obvious over Dutcher in view of Hartley is therefore also respectfully requested.

Claims 1 – 8 and 17 – 23 also stand rejected under 35 U.S.C. 103 as obvious over Williams (U.S Patent No. 4,498,482). This rejection is also traversed.

The rejection over Williams is expressly based upon the argument that it would be obvious to add a curve to the tapered portion of the Williams stylet in order to enhance the ability of the stylet to enhance maneuverability. This argument is contrary to the express teaching of the Williams patent, wherein the tapered portion is intended to allow the stylet to rotate smoothly within a J-shaped lead. Adding a preformed curve to such a stylet would frustrate the basic purpose of the stylet, which is to advance the fixation helix without causing the distal end of the lead to move about. Adding the Examiner's proposed J-shaped curve would cause the distal end of the lead to whip about as the stylet was rotated. Any pacing lead designer, or indeed any lay-person giving the matter a moment's thought, would recognize that this is so. Modifying the Williams stylet as proposed by the examiner would make it unsuitable for its disclosed purpose and thus cannot be obvious.

Further, the teaching of the Dutcher patent is entirely consistent with this the teaching of Williams on this point. The pre-curved portion of the Dutcher stylet is not

rotated during advancement of the fixation helix, precisely to avoid this problem. Thus, Dutcher also teaches against modifying the Williams stylet as suggested by the Examiner.

The Examiner's proposed modification of the Williams stylet is contrary to the teaching of Williams, contrary to the teaching of Dutcher and contrary to common sense. Withdrawal of the rejections of claims 1 – 8 and 17 – 23 as obvious over Williams is therefore also respectfully requested.

With allowance of claims 1 and 17, the withdrawn claims dependent thereon should also be allowed. Allowance of withdrawn claims 9 – 16 and 24 – 30 is therefore also respectfully requested.

Respectfully submitted,

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Date

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